

Subject: NEPOTISM

| REFERENCES | SECTIONS |
|---|----------------------------------|
| Administrative Orders http://msd.dgs.ca.gov/AO.htm | 04-12 |
| Classification and Pay (C & P) Guide | Section 230 |
| DGS Department Manual http://orpm.dgs.ca.gov/DGSManual/TOC/default.htm | 0214, pg 30 |
| Law & Regulation http://www.dpa.ca.gov/statesys/dpa/laws.htm http://www.cpms.osd.mil/vip/per_data/125.htm http://www.capitol.state.tx.us/statutes/docs/GV/content/html/gv.005.00.000573.00.htm | U.S> Code: 5AUSC3110 GC: 8920 |
| Memo of Understanding (MOU) http://www.dpa.ca.gov/collbarg/contract/bumenu.shtm | Refer to Employee's MOU |
| Responsible Control Agency and Program | DGS |
| SPB/DPA Policy Memos http://www.spb.ca.gov/pinkies.htm | Pinkie: 11/6/1979 |
| Other: | |
| DGS Memo | 3/30/1999 |

Nepotism

Policy

The DGS does not permit nepotism. Nepotism is generally defined as the practice of an employee using his/her personal power or influence to either assist or interfere with the employment of another individual solely because of a personal relationship between the individuals.

Definition

“Personal relationships” include, but are not limited to, associations with individuals by blood, adoption, marriage, and/or cohabitation: i.e., wife, husband, mother, father, daughter, son, sister, brother, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, in-laws, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, half-sister, half-brother, and two people living together outside of marriage.

Work situations

Work situations that involve persons who have close personal relationships that may be especially sensitive include:

- Working in a small unit where the employees are in close association with each other
- Working for the same **direct** supervisor
 - Having a direct supervisor/subordinate relationship with each other

TAU appointments and appointments to non-testing classes (such as seasonal clerk, contracted or civil service student assistant) are particularly susceptible to charges of nepotism. Such appointments are not permitted if a personal relationship exists with any DGS employee in any permanent civil service or exempt classification at the time of the proposed hiring or appointment.

Supervisor responsibility

Supervisors should be aware of potentially sensitive situations involving personal relationships within their area of responsibility. While it is unlawful to discriminate on the basis of marital status or personal relationship, supervisors may reasonably regulate, for bona fide business reasons of supervision, safety, security, or morale, the work situation of individuals listed above.

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Nepotism, Continued

Remedy of situation

The department recognizes there are many situations where two individuals who have a personal relationship may be appropriately allowed to work in the same program, activity, or location without adverse impact.

However, the Personnel Operations Manager must be contacted if:

- Circumstances where the work of the employees in the unit or the fair and impartial supervision and evaluation of the employees has been demonstrably adversely affected by a personal relationship
- Nepotism arises as a result of changed circumstances after hiring (e.g., marriage)

The Personnel Operations Manager will then contact the Office/Branch Chief of the impacted program to identify an acceptable remedy.

Exceptions

Exceptions to this policy must have the written approval of the Director or Chief Deputy Director **prior** to making a commitment to hire.

Contact

Should you have any questions concerning the department's nepotism policy, please contact your assigned Classification and Pay (C&P) analyst.
